

BILL TEXT:**STATE OF NEW YORK**

5548

2005-2006 Regular Sessions

IN ASSEMBLY

February 24, 2005

Introduced by M. of A. BARRA, TOWNSEND -- Multi-Sponsored by -- M. of A. BURLING, ERRIGO -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to post-conviction forfeiture crimes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 5 of section 1310 of the civil practice law
 2 and rules, as added by chapter 669 of the laws of 1984, is amended to
 3 read as follows:
 4 5. "Post-conviction forfeiture crime" means any felony defined in the
 5 penal law or any other chapter of the consolidated laws of the state and
 6 any misdemeanor defined in the following sections of the environmental
 7 conservation law: 71-1933, 71-2710, 71-2711, 71-2715, 71-3501, 71-3503,
 8 71-4405 and 71-4406.
 9 § 2. This act shall take effect immediately and shall apply to crimes
 10 committed on or after such date.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD08665-01-5

SPONSORS MEMO:

**NEW YORK STATE ASSEMBLY
 MEMORANDUM IN SUPPORT OF LEGISLATION
 submitted in accordance with Assembly Rule III, Sec 1(e)**

BILL NUMBER A5548

SPONSOR: Barra (MS)

TITLE OF BILL: An act to amend the civil practice law and rules, in relation to post-conviction forfeiture crimes

PURPOSE OR GENERAL IDEA OF BILL: To authorize the institution of civil forfeiture actions in connection with certain misdemeanors defined in

RETRIEVE BILL

the environmental conservation law covering dumping.

SUMMARY OF SPECIFIC PROVISIONS: "Post - Conviction Forfeiture Crime" shall include the following misdemeanors under Environmental Conservation Law:

71-1933 - Violations; criminal liability

71-2710 - Endangering public health, safety or environment in fifth degree

71-2711 - Endangering public health, safety or environment in fourth degree

71-3501 - Putting noisome or unwholesome substances or maintain noisome business on or near highway.

71-3503 - Throwing gas, tar or refuse into public waters.

71-4405 - Unlawful release of regulated medical waste in fourth degree

EFFECTS OF PRESENT LAW WHICH THIS BILL WOULD ALTER: Under the present law there is no provision for forfeiture after convicting of misdemeanors defined in the ECL covering dumping.

JUSTIFICATION: Dumping does irreparable harm to the environment. Individuals who continue to harm the environment with impunity must understand the seriousness of their actions and that the public can no longer countenance violations.

PRIOR LEGISLATIVE HISTORY: A3534 of 2004, A4956 of 2002, A4703 of 2000, A1706 of 1998 CPLR 1310 (5) as amended by chapter 669 of the laws of 1984; Env. Cons. Law Sections 71-1933; 71-2710; 71-2715; 71-3501; 71-3503; 71-4405; and 71-4406.

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS: None.

EFFECTIVE DATE: This act shall take effect immediately and shall apply to crimes committed on or after such date.
